



Docket No.: 016762.0227-US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Calvin H. Fei et al.

Application No.: 09/925,972

Group Art Unit: 3625

Filed: August 10, 2001

Examiner: Nicholas D. Rosen

For: **METHOD AND APPARATUS FOR
CONDUCTING TRANSACTION ON AN
AUTOMATED TELLER MACHINE**

**Declaration of Calvin H. Fei
Under 37 C.F.R. § 1.131**

Commissioner for Patents
Washington, D.C. 20231

I, Calvin H. Fei, hereby declare and state as follows.

1. I am currently employed by Bank of America Corporation (“Bank of America”).

From November 2, 1981 to Present, I was employed by Bank of America as a Vice President of Bank of America’s ATM, POS, & Monitoring Systems division. In this capacity, I served as Project Manager for Bank of America’s Web ATM project (“the Web ATM Project”). As project manager of the Web ATM Project, I managed the development and implementation of an embodiment of the system and methods described in the above-captioned patent application.

2. I was an employee of Bank of America during the conception, development, and reduction to practice of the subject matter of the above-captioned U.S. Patent Application No. 09/925,972 (“the ‘972 application”), of which I am an inventor. The ‘972 application has been assigned to Bank of America.

3. The purpose of the Web ATM Project was to develop and implement embodiments of the subject matter disclosed in the '972 application. Features designed and implemented pursuant to the Web ATM Project include, for example, selecting advertisements based on both a customer profile and the identity of an ATM and displaying the advertisements to the customer at the particular ATM during that customer's use of that ATM.

4. Bank of America's Web ATM Project was initiated as a result of a meeting in the United States in 1999 involving the co-inventors of the '972 application, including myself. During the meeting we discussed our conceptions of various features described and claimed in the '972 application. A working embodiment of our concepts was completed and publicly deployed by not later than August 11, 2000. This is confirmed by the Invention Disclosure Forms that I prepared (attached hereto as **Exhibits 1, 2, 3 and 4**, corresponding to Disclosure Document Nos. 483599, 483738, 483597, and 483598, respectively) and filed in the U.S. Patent and Trademark Office on December 8, 2000.

5. Many of the features incorporated into the Web ATM Project as of October 7, 1999 are reflected in an October 7, 1999 revision of a document entitled "Web ATM Functional Design Document," attached hereto as **Exhibit 5**. This document was prepared in the United States by Bank of America employees under my direction in the course of the Web ATM Project.

6. The Web ATM Functional Design Document describes various features recited in the pending claims of the '972 application, and it memorializes the co-inventors' possession of these features not later than October 7, 1999. In particular, pages 37-40 and 55-58 of the Web ATM Functional Design Document describe a system for selecting and displaying a subset of

advertisements associated with a market category after activation of an ATM by a customer, in addition to other features claimed in the '972 application. The Web ATM Project continued without interruption at least from October 7, 1999 through the public deployment of a working embodiment not later than August 11, 2000.

7. The Web ATM Project team included 8 Bank of America employees working substantially full time on the Web ATM Project, and 4 Bank of America employees working part-time on the Web ATM Project. In addition to me, the Bank of America employees working full time on the Web ATM Project included Roy Evans, Ann Nelson, Francis George Jacobs, J. Mark Stockton, John Weber, Steve Mo, Steve Metcalf, and Marty Givot. The part-time employees of Bank of America working on the Web ATM Project included: Anne Zeller, Larry Dwyer, Kevin Thieben, and Jerrold Jones.

8. During October 7, 1999 to Present, which includes the time period from prior to April 16, 2000 to August 11, 2000, the Web ATM Project team engaged in various activities in the United States to develop and implement a working embodiment of the invention described in the above-captioned application, including but not limited to:

- › writing, reviewing, and editing design documents directed to implementing the Web ATM Project, including Functional Design Documents;
- › writing, reviewing, editing, and debugging software for implementing each feature of the Web ATM Project;
- › scheduling and implementing tests of such software on computers and ATM terminals;
- › reviewing test results of such software;
- › creating engineer and programming notebooks directed to the implementation of various Web ATM features;

- › sending emails to, and receiving emails from, other Web ATM Project team members in connection with designing and developing features of the Web ATM Project and all associated software;
- › meeting in small and large groups of Web ATM Project members to discuss issues related to the budget, timing, status, and features of the Web ATM Project;
- › sending emails to, and receiving emails from, other Bank of America employees in connection with designing and developing software for implementing features of the Web ATM Project;
- › communicating with consultants and Bank of America management regarding the progress of the Web ATM Project;
- › reviewing information from consumers and focus groups regarding the features of the Web ATM Project; and
- › implementing a working embodiment of our concepts for the Web ATM Project.

9. As Web ATM Development Manager, during October 7, 1999 to January 1, 2003,

I personally coordinated several activities in the United States to develop and implement a working embodiment of the invention described in the above-captioned application, including but not limited to:

- › scheduling and facilitating periodic team meetings related to the status, budget, timing, and features of the Web ATM Project;
- › communicating with individual Web ATM Project team members regarding the design and implementation of Web ATM Project features;
- › communicating with Bank of America managers regarding the timing, budget, features, and status of the Web ATM Project;
- › providing progress and status reports to Bank of America managers regarding the design and development of various features of the Web ATM Project;
- › requesting and obtaining approvals relating to the timing, budget, and features of the Web ATM Project;

- › meeting with consultants to discuss features of the Web ATM Project;
- › supervising the testing of software for implementing an embodiment of our concepts for the Web ATM Project
- › reviewing the test results of such tests;
- › authorizing new versions of Web ATM Project software; and
- › scheduling and supervising the implementation of a working embodiment of our concepts for the Web ATM Project.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned patent application or any patent issued thereon.

Calvin H. Fei
Calvin H. Fei

Date: September 13, 2006